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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA, )  
9 Plaintiff, )  
10 v. ) 3:13-CR-120-LRH-(VPC)  
11 DAVID VIRGIL HOWARD, )  
12 Defendant. )

13 **PRELIMINARY ORDER OF FORFEITURE**

14 This Court finds that on March 25, 2014, defendant DAVID VIRGIL HOWARD pled guilty  
15 to Count One of a One-Count Indictment charging him with Possession of Child Pornography in  
16 violation of Title 18, United States Code, Section 2252A(a)(5)(B). Indictment, ECF No. 1; Change of  
17 Plea, ECF No. 10; Plea Agreement, ECF No. 11.

18 This Court finds defendant DAVID VIRGIL HOWARD agreed to the forfeiture of the  
19 property set forth in the Plea Agreement and the Forfeiture Allegation of the Indictment. Indictment,  
20 ECF No. 1; Change of Plea, ECF No. 10; Plea Agreement, ECF No. 11.

21 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America  
22 has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture  
23 Allegation of the Indictment and the offense to which defendant DAVID VIRGIL HOWARD pled  
24 guilty.

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1       The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section  
2 2253:

- 3       1. Acer laptop, LXAKV0X859820061CE2500; and
- 4       2. visual depiction or any book, magazine, periodical, film, videotape, or other matter  
5               which contains any such visual depiction, which was produced, transported, mailed,  
6               shipped, or received in violation of Title 18, United States Code, Sections 2251 and  
7               2252A

8 (all of which constitutes "property").

9       This Court finds the United States of America is now entitled to, and should, reduce the  
10 aforementioned property to the possession of the United States of America.

11       NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the  
12 United States of America should seize the aforementioned property.

13       IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of  
14 DAVID VIRGIL HOWARD in the aforementioned property is forfeited and is vested in the United  
15 States of America and shall be safely held by the United States of America until further order of the  
16 Court.

17       IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America  
18 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture  
19 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the  
20 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the  
21 name and contact information for the government attorney to be served with the petition, pursuant to  
22 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

23       IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity  
24 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate  
25 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the  
26 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and

1 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's  
2 right, title, or interest in the forfeited property and any additional facts supporting the petitioner's  
3 petition and the relief sought.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed  
5 with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building, 400 South  
6 Virginia Street, 3rd Floor, Reno, NV 89501, no later than thirty (30) days after the notice is sent or, if  
7 direct notice was not sent, no later than sixty (60) days after the first day of the publication on the  
8 official internet government forfeiture site, www.forfeiture.gov.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,  
10 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the  
11 following address at the time of filing:

12 Greg Addington  
13 Assistant United States Attorney  
14 100 West Liberty Street, Suite 600  
15 Reno, NV 89501

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein  
17 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency  
18 following publication of notice of seizure and intent to administratively forfeit the above-described  
19 property.

20 DATED this 1st day of April, 2014.

21   
22 LARRY R. HICKS  
23 UNITED STATES DISTRICT JUDGE  
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